IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No. 1555 of 1984

For Approval and Signature:

HONOURABLE MR.JUSTICE KS JHAVERI

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RATILAL CHHOTALAL SHETH - Appellant(s)
Versus
DHIRUBHAI CHATURBHAI PATEL & 2 - Defendant(s)

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Appearance :
MR SH SANJANWALA for Appellant(s) : 1,
None for Defendant(s) : 1,
NOTICE SERVED for Defendant(s) : 2 - 3.

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CORAM : HONOURABLE MR.JUSTICE KS JHAVERI

Date : 29/08/2006

ORAL JUDGMENT

1.0 By way of this appeal, the appellant has challenged the judgment and award of the Motor Accident Claims Tribunal (4-Aux.), Ahmedabad passed in M.A.C.P. No.241 of 1982 dated 27th May, 1982 whereby the Tribunal partly allowed the said petition.

2.0 The brief facts of the case are that on 27th May, 1982 when the present appellant was

proceeding on his scooter towards Tagore park, he met with an accident with a motor-cycle driven by present opponent No.1 and owned by present opponent No.2. On account of the said accident, the appellant received serious bodily injuries, and hence, he filed a petition claiming an amount of Rs.50,000/- by way of compensation.

2.1 In the said petition, after hearing the parties, the Tribunal passed the judgment and award which is under challenge in this appeal.

3.0 Heard. It was the case of the appellant before the Tribunal that on the day of incident he was proceeding towards Tagore Park on his scooter to visit his friend and when he reached near the Tagore Park and took a turn towards the flat of his friend after giving signal, at that time he was dashed by a motor-cycle driven by opponent No.1 in rash and negligent manner. The story put forward by the petitioner is supported by the evidence of one eye-witness Mr.

Pradeepkumar Mohanlal Rokadia and the judgment of the learned Metropolitan Magistrate (Exh.33) passed in the criminal case filed in connection with the very same accident wherein the opponent No.1 pleaded guilty. Moreover, the appellants have not challenged the story put forward by the appellant. Therefore, the Tribunal was justified in coming to the conclusion that since the appellant had received injuries on account of the negligence on the part of the opponent No.1, he is entitled for compensation.

3.1 While considering the aspect of compensation, the Tribunal has taken into consideration medical and other evidence available on record. Looking to age of the appellant, the nature of injuries sustained by him and considering the fact that he was earning Rs.600/- per month, the compensation awarded by the Tribunal, in my opinion, is just and reasonable. No case has been made out by the appellants for enhancement of the amount of

compensation. I am, therefore, in complete agreement with the reasonings given and the findings arrived at by the Tribunal and, hence, do not find any reason to interfere in this appeal.

4.0 In the result, the appeal is dismissed. No order as to costs.

(K. S. Jhaveri, J.)

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